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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/642,538

08/18/2003

James Saraf

1964

59853

7590

01/28/2009

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EXAMINER

WOOD, KIMBERLY T

ART UNIT

PAPER NUMBER

3632

MAIL DATE

DELIVERY MODE

01/28/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/642,538	<b>Applicant(s)</b> SARAF, JAMES	
	<b>Examiner</b> Kimberly T. Wood	<b>Art Unit</b> 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 3-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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This is an office action for serial number 10/642,538.

***Allowable Subject Matter***

The indicated allowability of claim 1 is withdrawn in view of the newly discovered reference(s) to Tizzoni and Berthiaume. Rejections based on the newly cited reference(s) follow.

***Claim Rejections - 35 USC § 112***

Claims 1, 3-12 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for an automatic anchoring device for the securement of objects wherein the object is an umbrella, does not reasonably provide enablement for an automatic anchoring device for the securement of objects and including an umbrella. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make/use the invention commensurate in scope with these claims.

Regarding claims 3-12, the phrase "extract/retract" renders the claim indefinite because it is unclear whether the limitation(s) after the "/" are part of the claimed invention. See MPEP § 2173.05(d).

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

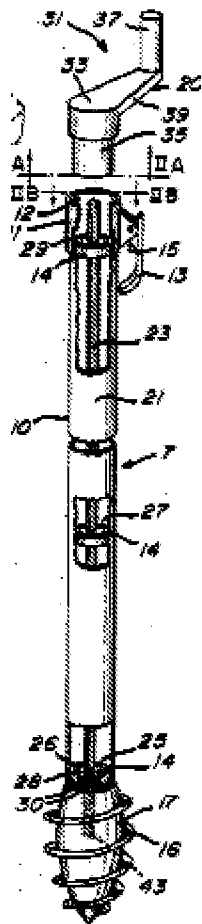
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 rejected under 35 U.S.C. 103(a) as being unpatentable over Tizzoni 5,156,369 in Chaplin 5,311,949 in view of Berthiaume 6,471,176. Tizzoni discloses a main tube; anchor screw (17) with a plurality of helical taper (16); and inside assembly (14, 23, 25) comprised of components that fit together to form one mechanism inside the main tube; carrying handle (13). Tizzoni discloses all of the limitations of the claimed invention except for the reinforcement ring, a securing nut, power drive, gear reduction box, a power drive stabilizer, and positioning cone, a rechargeable battery, a DC electric motor, a three-function power switch. Chaplin teaches that it is known to have a main tube (12), a anchor screw (80), an inside assembly comprising a power drive (62), a gear reduction box (66), a power drive stabilizer and positioning cone (20), three-function power switch (18). The examiner takes official notice

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that all the elements of claim 1 are parts/elements of a conventional power tool drill. It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Tizzoni to have included power drive, gear reduction box, a power drive stabilizer, and positioning cone, a rechargeable battery, a DC electric motor, a three-function power switch as taught by Chaplin, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192. Tizzoni in view of Chaplin discloses all of the limitations of the claimed invention except for the reinforcement ring and securing nut. Berthiaume teaches that it is known to have reinforcement ring (18) and securing nut (38). It would have been obvious to one having ordinary skill in the art to have modified Tizzoni in view of Chaplin to have included the reinforcement ring (18) and securing nut (38) for the purpose of providing a a well known means in the art for detachably attaching the device supporting pole as suggested by Tizzoni in column 3, line 50ff.

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### ***Allowable Subject Matter***

Claims 3-12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly

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T. Wood whose telephone number is 571-272-6826. The examiner can normally be reached on Monday-Thursday 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Allen Shriver can be reached on 571-272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kimberly T. Wood/  
Kimberly T. Wood  
Primary Examiner  
Art Unit 3632

January 21, 2009